

BEFORE THE BOARD OF SUPERVISORS

of the

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND DEPUTY DIRECTOR OF PUBLIC WORKS TO EXECUTE NOTICES OF COMPLETION FOR DISTRICT WORKS OF IMPROVEMENT

The following Resolution is hereby offered and read:

WHEREAS, California Civil Code Sections 9200 et seq. authorize a public entity to record a notice of completion for each work of improvement contracted for by the public entity; and

WHEREAS, California Civil Code Section 9200 indicates that completion of a work of improvement can occur upon acceptance of the work of improvement by the public entity; and

WHEREAS, California Civil Code Section 9204 provides a notice of completion shall be signed and verified by the public entity or its agent; and

WHEREAS, pursuant to Section 8 of the San Luis Obispo County Flood Control and Water Conservation District Act (Stats. 1945 ch 1294), the Director of Public Works and the Deputy Director of Public Works for the County of San Luis Obispo are the ex officio Director of Public Works and the Deputy Director of Public Works for the San Luis Obispo County Flood Control and Water Conservation District; and

WHEREAS, California Civil Code Section 9208 provides that a notice of completion in proper form shall be accepted by the recorder for recording and is deemed duly recorded without acknowledgment;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District (District) State of California, that:

1. To the extent the District is authorized under applicable law to sign and/or verify a notice of completion relating to any work of improvement or other construction contract, the Director of Public Works and the Deputy Director of Public Works are each hereby authorized to sign and verify any such notice of completion on behalf of the District, and to present the notice of completion to the County Recorder for recording. (The Director and Deputy Director are each separately so authorized such that only the Director or Deputy Director would need to sign and/or verify the notice of completion on behalf of the District.)
2. The date upon which said notice of completion is recorded shall be deemed the date that the District has accepted the Work of Improvement. Provided, however, that neither the signing, verifying and/or recording of a notice of completion, nor the acceptance of a work of improvement, shall constitute a waiver of any rights or remedies the District may have under any contract or applicable law. The District fully reserves all such rights and remedies, including but not limited to those rights and remedies related to any breach of contract or defect which the District may be aware of at the time the notice of completion is signed, verified and/or recorded.
3. The Director of Public Works and the Deputy Director of Public Works are each individually authorized to sign an amendment or change order to any existing or future work of improvement contract in order to amend any contract language that may be interpreted as requiring this Board to approve, sign and/or verify a notice of completion for said work of improvement contract.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted on the ____ day of _____, 20____.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: September 15, 2016

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STATE OF CALIFORNIA, }
County of San Luis Obispo, ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____
day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.